

REMARKS

At the outset, Applicant thanks the Examiner for the thorough review and consideration of the subject application. The Advisory Action of May 18, 2004 and the Final Office Action of February 5, 2004 have been received and their contents carefully reviewed.

In the Office Action dated February 5, 2004, the Examiner objected to the drawings under 37 CFR 1.83(a); rejected claims 2 and 6 under 35 U.S.C. § 112, first paragraph, because the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make LED lamps or chips that cover a luminescent area over 100°; rejected claims 1, 5 and 11-14 under 35 U.S.C. § 102(e) as being anticipated by Mochizuki (U.S. Patent No. 6,386,720); rejected claims 3, 4, 7, and 8 under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki; rejected claims 2 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Meggs et al. (U.S. Patent No. 4,521,835); rejected claims 1, 5, and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over Tokunaga et al. (U.S. Patent No. 5,375,043) in view of the related art shown in Figures 1 and 2; rejected claims 9 and 10 rejected under 35 U.S.C. § 103(a) as being unpatentable over Stinson (U.S. Patent No. 4,499,704); and rejected claims 15-18 under 35 U.S.C. § 103(a) as being unpatentable over Stinson in view of either Mochizuki or Tokunaga. These objections and rejections are traversed and reconsideration of the claims is respectfully requested in view of the amendments above and in view of the following remarks.

The objection to the drawings under 37 CFR § 1.83(a) is respectfully traversed and reconsideration is requested.

In objecting to the drawings the Examiner stated that “a plurality of lamps, each of the lamps / chips has a luminescent area over 100 degrees must be shown or the feature(s) canceled from the claim(s).”

According to M.P.E.P. § 2125, the drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art. Moreover, when the specification does not disclose that the drawings are to scale, arguments based on measurement of the drawing figures are of little value.

Applicant respectfully directs the Examiner to Figures 4A and 4B where the luminescent area of the lamps / chips is shown. In view of both the specification and the drawings, Applicant respectfully submits one of ordinary skill in the art would recognize that the claim element “each of the lamps / chips has a luminescent area over 100 degrees” has been adequately shown in the Figures.

In the “Response to Arguments” section of the Final Office Action, the Examiner disagrees with the Applicant’s arguments presented above because “the drawing figures are inadequate and show rather each of the lamps / chips outputting a luminescent area near 60 degrees.”

According to M.P.E.P. § 707.07(f), where the Applicant traverses any rejection (or other action by the Examiner), the Examiner should, if the Examiner repeats the action, take note of the Applicant’s argument and answer the substance of it. By simply concluding that the drawing figures are “inadequate” and show a luminescent area near 60°, it is respectfully submitted that the Examiner has failed to rebut the substance of Applicant’s arguments (i.e., that the drawings communicate to one of ordinary skill in the art that each of the lamps / chips has a luminescent area over 100°). Specifically, the Examiner has failed to establish that one of ordinary skill in the art would not understand that the drawings (which are not disclosed in the specification as being to scale) illustrate lamps / chips having a luminescent area over 100° merely by asserting that the drawings are “inadequate” and that the drawings

show a luminescent area of about 60°. Accordingly, Applicant requests that the present objection to the drawings be withdrawn.

The rejection of claims 2 and 6 under 35 U.S.C. § 112, first paragraph, because the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make LED lamps or chips that cover a luminescent area over 100° is respectfully traversed and reconsideration is requested.

In rejecting claims 2 and 6, the Examiner stated that the specification was enabling “for the LED lamp or chip according to the present invention covers a luminescent area over 100 degrees (page 8, line 0045), does not reasonably provide enablement for “each of the lamps/chips has a luminescent area over 100 degrees.” The Examiner further states “[t]he specification is not enabling because there is no support behind the LED lamp or chip being able to cover 100 degrees of luminescent area” and concludes “[o]ne of ordinary skill in the art would have recognized that there are many variables to control or produce a desired output (solid angle) of the LED, including, shape of the reflector support, refracting cover ... etc.” The Examiner then summarizes by stating “[t]he specification does not provide a how the LED is capable of covering over 100 degrees of luminescent area and one in ordinary skill in the art would not reasonably apprised of the scope of the invention.”

According to M.P.E.P. § 2164.04, in order to make a rejection under 112 U.S.C. § 112, first paragraph, the examiner has the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention. A specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as being in compliance with the enablement requirement of 35 U.S.C. 112, first paragraph, unless there is a reason to doubt the objective truth of the

statements contained therein which must be relied on for enabling support. A reasonable basis to question enablement is established only when the Examiner provides a reasonable explanation as to why the scope of protection provided by a claim is not adequately enabled by the disclosure.

A proper finding of lack of enablement can be done by making specific findings of fact, supported by evidence, and then drawing conclusions based on these findings of fact. For example, if doubt arises about enablement because information is missing about an essential part which one skilled in the art could not develop without undue experimentation, the Examiner should specifically identify what information is missing and why one skilled in the art could not supply the information without undue experimentation. See M.P.E.P. § 2164.06(a).

In the present rejection, the Examiner specifically noted that the specification failed to provide how an LED is capable of covering over 100 degrees of luminescent area. In the “Response to Arguments” section of the Final Office Action, the Examiner asserted that the “originally filed specification does not provide an adequate description of ‘each of the lamps has a luminescent area over 100 degrees.’”

By those statements alone, however, Applicant respectfully submits that the Examiner failed to provide any explanation as to why one skill in the art could not determine how an LED is capable of covering over 100 degrees of luminescent area without undue experimentation, as set forth in M.P.E.P. § 2164.06(a). Alleging a supportive deficiency in the specification satisfies only the first of two requirements necessary to establish a *prima facie* case of lack of enablement. The second of the two requirements necessary to establish a *prima facie* case of lack of enablement (i.e., a reason as to why one skilled in the art could not supply the missing information without undue experimentation), however, has not been, and

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cannot be, established merely by stating “there are many variables to control or produce a desired output (solid angle) of the LED....” According to M.P.E.P. § 2164.06, the test for undue experimentation is not merely quantitative, since a considerable amount of experimentation is permissible if the specification provides a reasonable amount of guidance with respect to the direction in which the experimentation should proceed.

Moreover, it is respectfully submitted that the Examiner’s statement that “[o]ne of ordinary skill in the art would have recognized that there are many variables to control or produce a desired output (solid angle) of the LED, including shape of the reflector support, refracting cover, etc.,” effectively constitutes an admission that one of ordinary skill in the art would be reasonably apprised of how to provide LEDs having a luminescent area of over 100° without undue experimentation.

In the “Response to Arguments” section of the Final Office Action, the Examiner stated that “the burden is on applicant, not the examiner, to explain and disclose all of the specific details of the invention in a clear manner in the patent application.” It is respectfully submitted, however, that a specification disclosure containing a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as being in compliance with the enablement requirement of 35 U.S.C. 112, first paragraph, unless there is a reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support. A reasonable basis to question enablement is established only when the Examiner provides a reasonable explanation as to why the scope of protection provided by a claim is not adequately enabled by the disclosure (see M.P.E.P. § 2164.04). In view of the arguments presented above, it is respectfully submitted that the Examiner has failed to meet his initial burden of establishing a reasonable basis to question the enablement provided

for the claimed invention. Accordingly, Applicant respectfully submits the present application is in full compliance with 35 U.S.C. § 112, first paragraph.

The rejection of claims 1, 5, and 11-14 under 35 U.S.C. § 102(e) as being anticipated by Mochizuki is respectfully traversed and reconsideration is requested.

Claim 1 is allowable over Mochizuki in that claim 1 recites a combination of elements including, for example, “A backlight unit in a field sequence liquid crystal display including a reflection plate... a diffusion plate... wherein a plurality of lamps are arranged such that LED chips realizing R, G, and B colors are built in the respective lamps.” Mochizuki fails to teach, either expressly or inherently, at least these features of the claimed invention.

Accordingly, Applicant respectfully submits that claims 2-4, 11, and 12, which depend from claim 1, are also allowable over Mochizuki.

Claim 5 is allowable over Mochizuki in that claim 5 recites a combination of elements including, for example, “A backlight unit in a field sequence liquid crystal display including a reflection plate... a diffusion plate... wherein a plurality of unit chips are arranged such that LED chips realizing R, G, and B colors are built in the respective unit chips.” Mochizuki fails to teach, either expressly or inherently, at least these features of the claimed invention. Accordingly, Applicant respectfully submits that claims 6-8, 13, and 14, which depend from claim 5, are also allowable over Mochizuki.

The Examiner cites Mochizuki as disclosing “a reflection plate (4), and a diffusion plate (160), the backlight unit using LED as a backlight lamp... wherein a plurality of lamps [or chips] are arranged such that LED chips realizing R, G, and B colors are built in the respective lamps [or chips] (figures 9A-9C & applicant’s [related art shown in] figure 2).”

Preliminarily, it is noted that claims 1 and 5 were rejected under 35 U.S.C. § 102(e) as being anticipated by Mochizuki. However, the Examiner cites the related art shown in Figure

2 within the body of the rejection. If the Examiner intends to actually rely on the related art shown in Figure 2, Applicant respectfully requests withdrawal of the rejection of claims 1 and 5 under 35 U.S.C. § 102(e) as the rejection is not anticipatory.

Moreover, even if the rejection of claims 1 and 5 under 35 U.S.C. § 102(e) as being anticipated by Mochizuki is not withdrawn (such that only the teachings of Mochizuki are relied upon), Applicant respectfully submits Mochizuki fails to teach at least the aforementioned elements of claims 1 and 5. For example, it is submitted that Mochizuki fails to teach “wherein a plurality of lamps are arranged such that LED chips realizing R, G, and B colors are built in the respective lamps,” as asserted by the Examiner. Specifically, Mochizuki teaches at column 5, lines 34-51,

“FIGS. 9A, 9B and 9C show embodiments showing the forms of the arrangement of red LEDs, green LEDs and blue LEDs. The arrangements shown there are applicable to each of the above-described and following embodiments.... FIG. 9A shows an example in which a plurality of sets of blue LEDs, green LEDs and red LEDs are arranged in the lengthwise direction of the end surface, FIG. 9B shows an example in which the LED groups of FIG. 9A are arranged in two rows in the lengthwise direction of the end surface, and FIG. 9C shows an example in which the LED groups of FIG. 9A are arranged in two rows in the lengthwise direction of the end surface while being deviated by a half of the arrangement pitch of the LED groups.

Accordingly, it is respectfully submitted that Mochizuki fails to disclose “wherein a plurality of lamps are arranged such that LED chips realizing R, G, and B colors are built in the respective lamps,” as asserted by the Examiner. Further, and assuming *arguendo* that a plate “is defined as a smooth, flat, relatively thin, rigid body of uniform thickness,” as asserted by the Examiner (see the “Response to Arguments” section of the Final Office Action), Applicant respectfully submits that the “reflection plate (4)” of Mochizuki is not a “plate” at all. For example, at column 3, lines 54-59, Mochizuki states “In FIG. 2, the reference numeral 4 designates a concave mirror having a cylindrical reflecting surface....”

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Accordingly, Applicant respectfully submits Mochizuki fails to teach, either inherently or explicitly, at least the aforementioned combination of elements of the present invention.

In the “Response to Arguments” section of the Final Office Action, the Examiner states that the “applicant must discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.” In view of the arguments presented above, it is submitted that Applicant has indeed explained “how the claims avoid the references or distinguish from them” and therefore requests withdrawal of the present rejection under 35 U.S.C. § 102(e).

The rejection of claims 3, 4, 7, and 8 under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki is respectfully traversed and reconsideration is requested.

Applicant respectfully submits claims 3 and 4 include all of the limitations of claim 1 and are allowable by virtue of their dependence from claim 1. Moreover, claims 7 and 8 include all of the limitations of claim 5 and are allowable by virtue of their dependence from claim 5.

The rejection of claims 2 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki in view of Meggs et al. is respectfully traversed and reconsideration is requested.

Claims 2 and 6 include all of the elements of claims 1 and 5, respectively, as discussed above, and Mochizuki fails to teach or suggest at least the features of independent claims 1 and 5 as recited above. Similarly, Meggs et al. fails to cure the deficiency of Mochizuki. Accordingly, Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness regarding claims 2 and 6 in view of claims 1 and 5, as above.

The rejection of claims 1, 5, and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over Tokunaga in view of the related art shown in Figures 1 and 2 is respectfully traversed and reconsideration is requested.

Claim 1 is allowable over Tokunaga in view of the related art shown in Figures 1 and 2 in that claim 1 recites a combination of elements including, for example, “A backlight unit in a field sequence liquid crystal display including a reflection plate... a diffusion plate... wherein a plurality of lamps are arranged such that LED chips realizing R, G, and B colors are built in the respective lamps.” Neither Tokunaga nor the related art shown in Figures 1 and 2, singly or in combination, teach or suggest at least these features of the claimed invention. Accordingly, Applicant respectfully submits that claims 2-4, 11, and 12, which depend from claim 1, are also allowable over Tokunaga in view of the related art shown in Figures 1 and 2.

Claim 5 is allowable over Tokunaga in view of the related art shown in Figures 1 and 2 in that claim 5 recites a combination of elements including, for example, “A backlight unit in a field sequence liquid crystal display including a reflection plate... a diffusion plate... wherein a plurality of unit chips are arranged such that LED chips realizing R, G, and B colors are built in the respective unit chips.” Neither Tokunaga nor the related art shown in Figures 1 and 2, singly or in combination, teach or suggest at least these features of the claimed invention. Accordingly, Applicant respectfully submits that claims 6-8, 13 and 14, which depend from claim 5, are also allowable over Tokunaga in view of the related art shown in Figures 1 and 2.

The Examiner cites Tokunaga as disclosing “a liquid crystal display (3) including a light-guide plate (1), a reflection plate (1a), the backlight unit using LED as a backlight lamp ... wherein a plurality of lamps are arranged such that LED chips realizing R, G, and B colors

are built in the respective lamps (claim 1 of Tokunaga & applicant's [related art shown in] figure 2)."

Preliminarily, it is noted that, while Tokunaga was cited above as disclosing various elements of claims 1 and 5, the Examiner also cited the related art shown in Figure 2 within the body of the rejection. If the Examiner intends to actually rely on the related art shown in Figure 2 to show any of the light-guide plate, a reflection plate, or backlight unit using LED as a backlight lamp having a plurality of lamps arranged such that LED chips realizing R, G, and B colors are built in the respective lamps, Applicant respectfully requests the Examiner precisely indicate which claimed elements are intended to be taught by which references. Otherwise, Applicant proceeds on the basis that only Tokunaga is being used to allegedly teach the light-guide plate, a reflection plate, or backlight unit using LED as a backlight lamp having a plurality of lamps arranged such that LED chips realizing R, G, and B colors are built in the respective lamps.

Applicant respectfully submits that Tokunaga fails to teach or even suggest "wherein a plurality of lamps are arranged such that LED chips realizing R, G, and B colors are built in the respective lamps," as asserted by the Examiner. For example, claim 1 of Tokunaga states "a plurality of light emitting diodes each serving as a light source for supplying a light to said light guide plate, said light emitting diodes being arranged to enable selective illumination of different colored light by said lighting unit..." Accordingly, Applicant respectfully submits neither Tokunaga nor the related art shown in Figure 2, either singly or in combination, teaches or even suggests all the claim elements of the present invention, as required by M.P.E.P. § 2143.03.

In the "Response to Arguments" section of the Final Office Action, the Examiner states that the "applicant must discuss the references applied against the claims, explaining

how the claims avoid the references or distinguish from them.” It is respectfully submitted that the arguments presented above are essentially identical to the arguments presented in the Reply filed November 5, 2003. In view of the arguments presented above, it is submitted that Applicant has indeed explained “how the claims avoid the references or distinguish from them.” In the “Response to Arguments” section of the Final Office Action, the Examiner attempts to define a reasonable interpretation of the word “unit.” Regardless of the definition of “unit,” Applicant respectfully submits Tokunaga fails to teach or suggest the structure defined by the element “a plurality of lamps... arranged such that LED chips realizing R, G, and B colors are built in the respective lamps,” as asserted by the Examiner. Therefore, Applicant requests withdrawal of the present rejection under 35 U.S.C. § 103(a).

The rejection of claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Stinson is respectfully traversed and reconsideration is requested.

Claim 9 is allowable over Stinson in that claim 9 recites a combination of elements including, for example, “A backlight unit in a field sequence liquid crystal display including a reflection plate... a diffusion plate... the backlight further comprising... a plurality of lamps arranged alternatively in a plurality of rows; and three LED chips built in each of the lamps, the three LED chips realizing R, G, and B colors respectively.” Stinson fails to teach or suggest at least these features of the claimed invention. Accordingly, Applicant respectfully submits that claims 15 and 16, which depend from claim 9, are also allowable over Stinson.

Claim 10 is allowable over Stinson in that claim 10 recites a combination of elements including, for example, “A backlight unit in a field sequence liquid crystal display including a reflection plate... a diffusion plate... the backlight further comprising... a plurality of unit chips arranged alternatively in a plurality of rows; and three LED chips built in each of the unit chips, the three LED chips realizing R, G, and B colors respectively.” Stinson fails to

teach or suggest at least these features of the claimed invention. Accordingly, Applicant respectfully submits that claims 17 and 18, which depend from claim 10, are also allowable over Stinson.

The Examiner cites Stinson as disclosing “three LED chips built in each of the lamps [or chips], the three LED chips realizing R, G, and B colors... wherein the lamp [or unit chips] are turn on/off according to a sequence of R chip, a G chip, and a B chip in each of the rows (figure 3; column 3, lines 10-30).”

Applicant respectfully submits, however, Stinson does not disclose “three LED chips built in each of the lamps [or chips], the three LED chips realizing R, G, and B colors... wherein the lamp [or unit chips] are turn on/off according to a sequence of R chip, a G chip, and a B chip in each of the rows,” as asserted by the Examiner. For example, at column 3, lines 10-30, Stinson states

“...reflector cup 18 into which one end of leads 20, 21 and 22 are attached while their opposite ends are attached to the anodes of the light dies.

As shown in FIGS. 3 and 4, each light die 7, 8 and 9 includes an anode 19 and a cathode 29 that is soldered on and within the cup 18. Therefore, in this manner, it can be seen that the cathode lead 13 is coupled in common with the cathodes of a plurality of light die cathodes. With respect to composition, one light die, such as 7 representing red, may be composed of a composition consisting of deep red AlGaAs (Aluminum Gallium Arsenide). Light die 8 may represent green and be composed of Gallium Phosphide on Gallium Phosphide (GaP). The remaining light die 9 is representative of blue and is composed of Silicon Carbide. Preferably, the connecting wires 20-22 inclusive are approximately 1 mil. in thickness and each is composed of gold wire. The cathode lead including reflective cup and anode leads are soldered steel, silver plated or the like.

Referring now in detail to FIGS. 3 and 4, it can be seen that the reflector cup 18 includes three mounting...”

Accordingly, Applicant respectfully submits Stinson fails to teach or suggest “three LED chips built in each of the lamps [or chips], the three LED chips realizing R, G, and B colors... wherein the lamp [or unit chips] are turn on/off according to a sequence of R chip, a

G chip, and a B chip in each of the rows,” as asserted by the Examiner. Moreover, and assuming *arguendo* that Stinson did disclose what is asserted by the Examiner, Applicant respectfully submits Stinson fails to teach or suggest at least to the rest of the aforementioned combination of elements actually claimed in claims 9 and 10. To reiterate, claim 9 recites, among other elements, “[a] backlight unit... including a reflection plate... a diffusion plate... the backlight further comprising... a plurality of lamps arranged alternatively in a plurality of rows; and three LED chips built in each of the lamps, the three LED chips realizing R, G, and B colors respectively.” Similarly, claim 10 recites, among other elements, “[a] backlight unit... including a reflection plate... a diffusion plate... the backlight further comprising... a plurality of unit chips arranged alternatively in a plurality of rows; and three LED chips built in each of the unit chips, the three LED chips realizing R, G, and B colors respectively.”

The rejection of claims 15-18 under 35 U.S.C. § 103(a) as being unpatentable over Stinson in view of either Mochizuki or Tokunaga is respectfully traversed and reconsideration is requested.

Claims 15-18 variously include all of the elements of claims 9 and 10, respectively, as discussed above, and Stinson fails to teach or suggest at least the features of independent claims 9 and 10 as recited above. Similarly, both Mochizuki and Tokunaga fail to cure this deficiency of Stinson. Accordingly, Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness regarding claims 15-18 in view of claims 9 and 10, as above.

In rejecting claims 15-18, the Examiner acknowledges Stinson as disclosing “the claimed invention, except the new LED (red, green, & blue) being used as a backlight for the liquid crystal display” (Office Action, page 8). Applicants submit, however, that claims 15-18 do not require that a particular LED be used as a backlight for a liquid crystal display.

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Specifically, claims 15 and 17 require that the backlight unit recited in claims 9 and 10 further include a light-guiding plate. Claims 16 and 18 require that the lamps (or chips) recited in claims 9 and 10 be arranged between reflection and diffusion plates also recited in claims 9 and 10. As mentioned above with respect to the rejection of claims 9 and 10, Stinson fails to teach or suggest the reflection and diffusion plates. Further, Stinson fails to teach the lamps (or chips) as particularly set forth in claims 9 and 10. For at least the reasons set forth above, Applicant request withdrawal of the present rejection under 35 U.S.C. § 103(a).

If the Examiner deems that a telephone conversation would further the prosecution of this application, the Examiner is invited to call the undersigned at (202) 496-7500.

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If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: July 6, 2004

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